

## Message Text

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PAGE 01 STATE 101847

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ORIGIN SS-25

INFO OCT-01 ISO-00 SSO-00 NSCE-00 /026 R

DRAFTED BY L/ARA:MGKOZAK:BAW TEXT REVISED BY WHITE HOU

APPROVED BY D/LOS:AGJAMES

ARA - MR. ROGERS (SUBS)

S/P - MR. VELIOTES INTERAGENCY

IO - MR. HELLMAN-S/S-O:APSHANKLE

T - MR. LONG CLEARANCES ON

OES - AMB. IRVING

L - MR. FELDMAN FILE

EB - MR. KATZ (SUBS)

NSC - MR. CLIFT

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O 280230Z APR 76

FM SECSTATE WASHDC

TO USMISSION USUN NEW YORK IMMEDIATE

C O N F I D E N T I A L STATE 101847

EXDIS

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS: ARTICLE 136

REFS: USUN 1742

1. IN COMMITTEE YOU SHOULD MAKE IT CLEAR THAT WE HAVE  
SERIOUS CONCERNS WITH ARTICLE 136 IN PRINCIPLE. YOU  
SHOULD STATE THAT ITS PRESENCE IN THE TREATY WITHOUT  
MODIFICATION WOULD RAISE SERIOUS QUESTIONS AS TO OUR  
ABILITY TO RATIFY. WE AUTHORIZE YOU IN YOUR DISCUSSIONS  
TO FOLLOW-UP FOREGOING STATEMENT WITH AMENDMENT IN PARA  
(2) INFRA. IF YOU DEEM IT MORE EFFECTIVE TO GIVE AMEND-  
MENT TO AGUILAR AND NOT TO TABLE IN COMMITTEE YOU HAVE  
THE AUTHORITY TO DO SO.

2. (A). YOU ARE INSTRUCTED TO SEEK DELETION OF PARA (3)

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PAGE 02 STATE 101847

OF ARTICLE 136 OF SINGLE NEGOTIATING TEXT. (B) YOU ARE

AUTHORIZED BUT NOT REQUIRED PUBLICLY TO SEEK DELETION OF  
PARA (2) OF ARTICLE 136; YOU SHOULD COOPERATE WITH OTHERS  
WHO FAVOR ITS DELETION. (C) YOU MAY AGREE TO AGRAT'S  
PROPOSAL FOR CHANGE IN TITLE OF PART X PER PARA (4) OF  
USUN 1734. (D) AFTER OPPOSING ARTICLE 136 IN PRESENT  
FORM, YOU ARE AUTHORIZED TO OFFER FOLLOWING TEXT TO REPLACE  
ARTICLE 136 (1) IN ITS ENTIRETY: BEGIN TEXT: THE PROVI-  
SIONS OF THIS CONVENTION REGARDING THE RESOURCE RIGHTS OF  
COASTAL STATES SHALL BE APPLIED FOR THE BENEFIT OF LOCAL

INHABITANTS AS PRESCRIBED BY THE CHARTER OF THE UNITED  
NATIONS, APPLICABLE PRINCIPLES OF INTERNATIONAL LAW AND  
RELEVANT AGREEMENTS REGARDING A TERRITORY WHOSE PEOPLE

HAVE NOT ATTAINED EITHER FULL INDEPENDENCE OR SOME OTHER  
FORM OF SELF-GOVERNING STATUS RECOGNIZED BY THE UNITED  
NATIONS, A UNITED NATIONS TRUST TERRITORY, OR A TERRI-  
TORY ADMINISTERED BY THE UNITED NATIONS OR A TERRITORY,  
A COMMONWEALTH, OR AN ASSOCIATED STATE NOT FULLY INDE-  
PENDENT OR A TERRITORY UNDER FOREIGN OCCUPATION OR  
COLONIAL DOMINATION. END TEXT. (IN PHRASE "COASTAL

STATES" WORD "STATES" SHOULD BE CAPITALIZED.)

3. DELEGATION MUST MAKE CLEAR IN THE PRESENT NEGOTIATING  
SESSION WE CANNOT AGREE TO AN ARTICLE 136 PROVISION THAT  
VESTS DIRECTLY RIGHTS TO RESOURCES OR FULL REVENUES  
THEREFROM IN INHABITANTS OF A US TERRITORY OR COMMON-  
WEALTH.

BEGIN FYI: THIS POSITION IS BASED ON OUR DOMESTIC  
FEDERAL SYSTEM UNDER WHICH RIGHTS TO OCEANS RESOURCES  
AND REVENUES THEREFROM BEYOND THE THREE MILE LIMIT ARE  
VESTED IN THE FEDERAL GOVERNMENT AND NOT IN THE COASTAL  
STATES WHOSE INHABITANTS ARE LIKE THOSE OF OUR TERRI-  
TORIES AND AS SUCH ARE CITIZENS OF THE UNITED STATES.  
THESE COMMON RESOURCES AND BENEFITS THEREFROM ARE  
ADMINISTERED IN FULL RECOGNITION OF THE NEEDS OF ALL US  
CITIZENS. END FYI.

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PAGE 03 STATE 101847

4. YOU SHOULD INFORM DUTCH THAT THEIR AMENDMENT CAUSES  
US SERIOUS DIFFICULTIES FOR REASONS YOU OUTLINED IN

RECOGNIZE THEIR DESIRE TO BRING NETHERLANDS ANTILLES  
WITHIN AMBIT OF 136, BUT DO NOT THINK THAT REFERENCE  
TO OBSERVERS IS WAY TO DO THIS. WE HOPE THAT NETHER-  
LANDS ANTILLES IS COVERED WITHIN CATEGORY OF "ASSOCIATED  
STATES" IN OUR DRAFT; IF THIS IS NOT THE CASE, YOU ARE

AUTHORIZED TO WORK OUT APPROPRIATE FORMULA WITH THE

DUTCH THAT WOULD HAVE EFFECT OF INCLUDING BOTH PUERTO  
RICO AND NETHERLANDS ANTILLES. SISCO

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## Message Attributes

**Automatic Decaptioning:** Z  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** LAW OF THE SEA, AGREEMENT DRAFT, FOREIGN POLICY POSITION, AMENDMENTS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 28 APR 1976  
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**Disposition Action:** RELEASED  
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**Disposition Case Number:** n/a  
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**From:** STATE  
**Handling Restrictions:** n/a  
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**TAGS:** PLOS, US, UN  
**To:** USUN NEW YORK  
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